Calendar No. 121

101ST CONGRESS *1st Session*	SENATE	REPORT 101-49

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION AUTHORIZATION ACT OF 1989

Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

OF THE

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ON

S. 673

JUNE 13 (legislative day, JANUARY 3), 1989.—Ordered to be printed

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Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany S. 673]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 673) to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1990 and 1991, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill do pass.

PURPOSE OF THE BILL

The National Highway Traffic Safety Administration (NHTSA) is the branch of the Department of Transportation (DOT) that has primary responsibility for developing and enforcing vehicle safety standards and administering highway safety programs. Its duties also include providing information to consumers of vehicles and administering corporate average fuel economy (CAFE) standards.

NHTSA has not been reauthorized since 1982. In the 100th Congress, authorizing legislation was passed by the Senate in April 1987, but was never acted upon by the House of Representatives.

This legislation amends the National Traffic and Motor Vehicle Safety Act of 1966 (Safety Act) and the Motor Vehicle Information and Cost Savings Act (Cost Savings Act) to authorize appropriations for fiscal years (FY) 1990 and 1991 for the purpose of carrying out various programs related to safety and consumer information. The legislation also would direct NHTSA to carry out rulemakings related to specific safety standards, would establish a grant program to encourage seat belt and proper child restraint use, and

would require certain safety-related studies and procedural changes to assist NHTSA in the performance of its duties.

Background and Needs

Since NHTSA was created in 1966, it has had considerable success in reducing the number of highway fatalities per licensed driver. However, there are still over 46,000 deaths on the highways each year, and motor vehicle-related injuries are the leading cause of death for people between 1 and 34 years old. Thus, much work remains to be done in the area of highway safety.

The Committee has received testimony over the past several years indicating that NHTSA has not acted rapidly enough in addressing certain serious safety problems through rulemaking and other means. The Committee believes that legislation is necessary to insure that important safety measures—literally matters of life and death—are addressed in an orderly and efficient fashion.

This is particularly true now, since no authorization legislation has been enacted in 7 years. Many of the issues addressed in S. 673 were part of S. 853, passed by the Senate in the 100th Congress. Notwithstanding the clear signal to the agency over 2 years ago that these matters required attention, very little action has been taken since that time.

NHTSA activities addressed by the bill

Some of the NHTSA activities affected by the reported bill are as follows:

Side impact protection

This issue has been a concern of both the agency and Congress for many years. The current relevant standard is Federal Motor Vehicle Safety Standard (FMVSS) 214, which became effective in 1973. It establishes a strength requirement for vehicle's side doors, basing the required resistance on the weight of the car. A vehicle must be able to withstand a force equal to twice its weight, up to a certain maximum. This means that a light vehicle, such as a subcompact, would have to withstand a much smaller force than would a full-size car. Thus, as cars get lighter and require more side impact protection, the protection becomes poorer.

A rulemaking to upgrade the side impact standard was begun in 1979. The proposed standard would have required a 30 mile-per-hour dynamic side crash test with instrumented dummies meeting specified injury criteria, thus making the test results more comparable to real-world crashes. The new standard also would have been extended to apply to multipurpose vehicles such as light trucks and minivans. In 1982, the agency terminated this rulemaking, noting that many complex issues had arisen which would require additional time to resolve. NHTSA said at the time that the rulemaking would be reopened following further research and analysis. Between 1982 and 1987, NHTSA took no further rulemaking action on this issue.

All interested parties, including NHTSA and the domestic auto manufacturers, have testified before the Committee to the effect that the side impact standard needs to be upgraded. In 1988,

NHTSA issued a notice of proposed rulemaking to amend FMVSS 214. NHTSA also issued advance notices of proposed rulemaking, dealing with side impact protection requirements for light trucks, as well as standards to reduce the risk of head and neck injuries and ejections due to side impact crashes in passenger cars. The comment periods on these proposals closed in October 1988, but no further rules have been issued.

Rear seat belts

In 1968, NHTSA promulgated FMVSS 210, requiring that all passenger cars include locations for anchors or brackets to anchor lap-shoulder, or three-point, belts at the outboard rear seating positions. It did not require installation of the lap-shoulder belts. In 1986, the National Transportation Safety Board (NTSB) issued a report questioning the adequacy of lap-only belts in the rear seats. In November 1987, the General Accounting Office (GAO) issued a review of the NTSB report, and took issue with some of its conclusions about the usefulness of lap-only belts in rear seats. Notwithstanding some disagreement about lap-only belts, there is general agreement that lap-shoulder belts offer superior protection for rear seat passengers.

In November 1988, NHTSA issued a Notice of Proposed Rulemaking which would require rear seat lap-shoulder belts in all passenger cars, except convertibles, manufactured on or after September 1, 1989. The proposed rule also would require rear seat lap-shoulder belts in all convertibles, light trucks, vans, utility vehicles, and small buses manufactured on or after September 1, 1991. No final rule has been issued.

Multipurpose passenger vehicles

Light trucks, minivans, and four wheel drive vehicles are referred to collectively as multipurpose passenger vehicles (MPVs). Many MPVs may lack important safety features which have long been required for passenger cars. This situation exists because many of the safety standards were established in the 1960s when the design and use patterns of MPVs were less like passenger cars than they are today. The current popularity of MPVs has been attributed, in part, to their use as passenger vehicles. Indeed, the minivan has replaced the station wagon for many individuals. The pickup is often used in the city and the suburbs rather than exclusively on the farm. Currently, MPVs account for approximately one-third of all new car sales.

As stated, while MPVs are subject to some of the same safety standards as passenger cars, certain important passenger car safety measures never have been extended to MPVs. The absence of such standards has been recognized as a problem for many years. In 1972, the NTSB reported that the severity of injuries appeared considerably greater for occupants of certain MPVs than for occupants of passenger cars involved in accidents. The NTSB suggested that this might have been due, in part, to the MPV exemption from certain standards. Similarly, a 1978 GAO study recommended that NHTSA reassess its vehicle classification system for these very reasons, and concluded that delays by NHTSA in producing the reassessment were unwarranted. The GAO study further recommended

that NHTSA apply a number of passenger car safety standards to MPVs.

More recently, additional concerns have been raised about jeep-type sport-utility vehicles and allegations that, because of their design, they may have a propensity to roll over more easily than other vehicles. In June 1988, Consumers Union rated one model of this vehicle type "unacceptable" because of this risk, and petitioned NHTSA to recall that model. NHTSA denied that petition, but, in September 1988, granted a petition to establish a minimum performance standard to protect against unreasonable risk of rollover. However, rulemaking on this performance standard has not begun. Additionally, NHTSA recently granted a petition to begin a defect investigation of another model of this vehicle type, based on accident data indicating a high rate of rollover.

S. 853, passed by the Senate in the 100th Congress, included requirements that NHTSA consider imposition of 4 additional safety standards for MPVs: roof crush resistance, high-mounted rear stoplamp, head restraints, and front seat passive restraints. To date, NHTSA has addressed only the head restraint requirement, issuing, a Notice of Proposed Rulemaking in December of 1988. No final rule on head restraints has been issued. S. 853 also required NHTSA to reconsider its system of classification of vehicles. NHTSA has issued a Notice of Proposed Rulemaking with respect to its classification system, but no final rule has been issued.

Automobile crashworthiness data

Title II of the Cost Savings Act requires the Secretary of Transportation Secretary to compile information regarding:

1. The damage susceptibility of passenger automobiles;
2. The degree of crashworthiness;
3. The characteristics of such vehicles with respect to ease of diagnosis and repair of mechanical and electrical systems; and
4. Vehicle operating costs dependent upon the above.

The Secretary is required under section 201 of the Cost Savings Act to furnish this information to the public in a "simple and readily understandable form in order to facilitate comparison among the various makes and models of passenger motor vehicles."

A Notice of Proposed Rulemaking issued in January 1981 would have required manufacturers to print crashworthiness ratings on the window stickers of all new cars. The proposed program would have provided consumers with information on the safety performance of new cars in the dealer showroom, and would have encouraged manufacturers to compete on the basis of vehicle crash safety. No rule was issued.

NHTSA currently provides crashworthiness information only through its New Car Assessment Program, which tests a random sampling of vehicles at 35 mile-per-hour frontal crashes. Results of the New Car Assessment Program are disseminated to the public only on a limited basis through NHTSA press releases, and its Consumer Hotline and Office of Public and Consumer Affairs. These results are not available to the consumer in automobile showrooms.

Automobile bumpers

In 1971, NHTSA promulgated FMVSS 215, a bumper safety standard pursuant to its responsibilities under the Safety Act. This standard, which became effective in September 1973, required that bumpers be able to withstand collisions at up to 5 miles per hour in the front and 2.5 miles per hour in the rear, without permitting damage to the safety-related equipment such as headlamps, taillights, door, trunk and hood latches, and exhaust systems. The standard was upgraded 1 year later to include 5 miles-per-hour impact standards for both front and rear bumpers, and a 3 miles-per-hour standard at the corners. In addition to the barrier impact test already required, the new standard included impact testing with a pendulum-type device, thus making the test more stringent.

In October 1972, Congress enacted the Cost Savings Act, with the stated purpose of reducing the economic losses caused by traffic accidents. NHTSA was directed to promulgate bumper standards that would increase damage protection levels over those existing at the time the Act was passed. To accomplish this, NHTSA promulgated a bumper standard pursuant to its Cost Savings Act authority. This standard incorporated the earlier safety standard and, starting with model year 1979, required the bumpers; themselves to be able to withstand 5 miles-per-hour collisions with damage no greater than levels stated in the rule.

In 1982, NHTSA reduced the bumper standard to require only that bumpers withstand damage to the safety features and exterior surfaces of the vehicle at speeds of 2.5 miles per hour for longitudinal impact, and 1.5 miles per hour for corner impact. NHTSA eliminated the standard regarding damage to the bumper itself. NHTSA's decision to roll back the bumper standard was challenged in the courts by State Farm Mutual and Allstate Insurance Companies. In January 1985, the Court of Appeals for the District of Columbia Circuit upheld NHTSA's decisions, noting that NHTSA had made a "reasonable" decision, given the evidence available to the agency at that time.

In its 1982 decision to reduce the bumper standard, NHTSA announced its intention to provide consumers with information about the bumper impact capability of various models, so that consumers could choose the level of protection they desired. NHTSA has not provided such information since that time, now suggesting that consumers do not have a high level of interest in the information. However, the Center for Auto Safety, an auto safety advocacy organization, has stated in testimony to the Committee that the bumper standard was one of the most popular safety standards with consumers.

Additionally, NHTSA's decision to reduce the standard was based on its calculation that the savings to consumers from a lower standard would be greater than the additional repair costs that would be incurred from weaker bumpers. However, experience since the time when the standard was rolled back has not confirmed that judgment.

There is virtually no evidence that consumers have saved any significant amount in either the cost of their venicles or fuel costs as a result of the change in the bumper standard. However, con-

sumers will sustain additional costs as a result of the reduced bumper standard. For example, the Insurance Institute for Highway Safety (IIHS) performs its own crash tests to determine the ability of bumpers to withstand impact. Its tests for a sampling of the 1989 models showed that every two-door model tested sustained damage in a 5 miles per hour impact, in amounts ranging from over $400 to over $3,000 in repair costs. Of the cars tested, 13 out of 20 sustained damage to the safety-related features of the vehicles. Additionally, representatives of the insurance industry testified that improved bumper standards would result in some savings to consumers in insurance rates.

NHTSA STATUTES INVOLVED

The bill would authorize activities under, and amend, the following statutes.

NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT OF 1966

The Safety Act was enacted by Congress to reduce traffic accidents and deaths and injuries resulting from traffic accidents. Congress determined that it is necessary to establish safety standards for motor vehicles and equipment, to enforce those standards through defect investigations and recalls if necessary, and to undertake and support necessary safety research and development.

Before a standard may be promulgated, the Act (15 U.S.C. 1392(f)) requires the Secretary to take the following actions:

1. Consider relevant available motor vehicle safety data, including the results of research, development, testing, and evaluation activities conducted pursuant to the Act;
2. As appropriate, consult with State or interstate agencies (including legislative committees);
3. Consider whether a proposed standard is reasonable, practicable and appropriate for the particular type of motor vehicle or item of motor vehicle equipment and for which it is prescribed; and
4. Consider the extent to which such standards will contribute to carrying out the purposes of the Act.

MOTOR VEHICLE INFORMATION AND COST SAVINGS ACT

The Cost Savings Act was enacted in 1972 to provide consumers with meaningful information to assist in their purchasing decisions, to avoid unnecessary damage to their vehicles during accidents, and to foster easy diagnosis and repair of passenger vehicles. The Act was amended in 1975 to establish standards to improve automotive fuel efficiency.

The Act contains the following six titles:

Title I—Bumper standards

This title directs the establishment of bumper standards to "seek to obtain the maximum feasible reduction of costs to the public and to the consumer," taking into account costs and benefits of the standards as well as health and safety considerations. 15 U.S.C. 1911-22.

Title II—Automobile consumer information study

This title requires the Secretary to compile information relating to the damage susceptibility of passenger motor vehicles, the crashworthiness of such vehicles, and the ease of diagnosis and repair of the vehicles. This information is to be furnished to consumers in order to "facilitate comparison among the various makes and models of passenger motor vehicles * * *." 15 U.S.C. 1941–49.

Title III—Diagnostic inspection demonstration projects

Title III required NHTSA to establish motor vehicle diagnostic inspection demonstration projects. 15 U.S.C. 1961–64. These projects have been concluded and the data has been analyzed.

Title IV—Odometer requirements

Title IV is for the purpose of preventing tampering with odometers on motor vehicles and to establish certain safeguards for the protection of purchasers to prevent the sale of motor vehicles with altered or reset odometers. 15 U.S.C. 1981–91n.

Title V—Improving automotive efficiency

This title sets fuel economy standards for model years 1978–80 and for model years 1985 and after, and directs the Secretary to establish standards for model years 1981–84. 15 U.S.C. 2001–13. This title historically has been addressed only through the appropriations process.

Title VI—Theft prevention

Title VI, added by Public Law 98–547, requires the Secretary to promulgate a motor vehicle theft prevention standard. This standard is intended to prevent and discourage motor vehicle theft and the sale and distribution of used parts removed from stolen vehicles, and to help reduce the cost of premiums charged consumers for motor vehicle theft insurance. 15 U.S.C. 2021–34. This title historically has been addressed only through the appropriations process.

NATIONAL DRIVER REGISTER ACT

This Act requires the Secretary to establish and maintain a register, to permit State licensing officials to obtain information about the driving records of individuals. It is to include information on individuals whose drivers' licenses are suspended, or who are convicted of certain driving offenses including driving under the influence of alcohol. The statute also requires establishment of a pilot program to determine the effectiveness of a system of electronic exchange of this information with the States.

LEGISLATIVE HISTORY

In the 99th Congress, the Committee held hearings on NHTSA on February 21, 1985, and December 11, 1986. On April 18, 1985, the Committee, without objection, ordered reported NHTSA authorization legislation, S. 863. S. 863 passed the Senate on May 15, 1986, and an amended version passed the House on October 6, 1986.

The House and Senate did not agree on the legislation before the end of the 99th Congress.

In the 100th Congress, the Committee conducted an authorization hearing on NHTSA on March 6, 1987. On March 24, 1987, the Committee, without objection, ordered NHTSA reauthorization legislation reported. S. 853 was introduced by Senator Gore on behalf of all the members of the Committee on March 26, 1987, and it passed the Senate, amended, by voice vote on April 24, 1987. It was referred to the House Committee on Energy and Commerce on April 28, 1987, but was not acted on by the House Committee or the House of Representatives prior to the end of the 100th Congress.

In the 101st Congress, S. 673 was introduced by Senator Bryan, for himself and Senators Hollings, Danforth, Gorton, Gore, Kerry and McCain, on March 17, 1989. A hearing on the bill was held April 5, 1989. In open executive session, an amended version of the bill was ordered reported by the Committee, without objection, on April 18, 1989.

Summary of Major Provisions

SAFETY-RELATED RULEMAKINGS

Section 201 requires completion within 12 months of enactment of an upgraded standard to protect passenger car occupants in side impact crashes.

Section 304 requires completion of a rulemaking within 12 months of enactment to consider the following safety standards for multipurpose vehicles such as jeeps and minivans: (1) prevention of rollover, (2) head restraints, (3) roof crush resistance, (4) front seat passive restraints, and (5) high-mounted stoplamps.

Section 305 requires lap-shoulder belts in the rear seats of cars manufactured on or after September 1, 1989 (1990 model year), and in multipurpose vehicles manufactured after September 1, 1991.

Section 307 requires a rulemaking to increase the safety of child booster seats, to be completed within 12 months of enactment.

Section 316 requires completion of a rule within 2 years of enactment to address reduction of head injury caused by the interior components of a vehicle.

Section 317 requires completion of a rulemaking within 2 years of enactment to consider ways to minimize pedestrian injury caused by vehicle components.

BUMPER STANDARDS

Section 314 requires a return to the bumper standard in effect in 1982. Bumpers must withstand impact at 5 miles-per-hour without damage to the safety-related features of the vehicle or exterior sheet metal, and with damage to the bumper itself kept within stated limits.

Section 306 requires promulgation of a rule to provide for labeling of vehicles with information about bumper impact capability.

CRASHWORTHINESS INFORMATION

Section 202 requires development, if possible, of data to permit comparison of the crashworthiness of various vehicles, and the availability of that information to consumers.

VEHICLE CLASSIFICATION

Section 304 requires NHTSA to complete, within 12 months of enactment, a rulemaking to review its system of vehicle classification for the purpose of establishing safety standards. Any reclassification must consider, and conform to the extent possible with, the Customs Service's classification of certain foreign vehicles as passenger vehicles. Such a classification by the Customs Service results in a lower duty on those vehicles and should, absent extenuating circumstances, also result in vehicles meeting all passenger car safety standards. Presently there is no coordination between NHTSA and the Customs Service.

AIRBAG AND DRUNK DRIVING EDUCATION PROGRAMS

Section 102 authorizes the expenditure of up to $10 million of unexpended trust fund monies for programs of community education on the benefits and operation of airbags and prevention of drunk driving.

FEDERAL FLEET AIRBAGS

Section 308 requires all passenger cars purchased for the Federal fleet after September 30, 1990, to be equipped with driver side airbags when economically practicable. Full-front seat airbags would be required, if economically practicable, for vehicles purchased after September 30, 1993.

GRANT PROGRAM TO PROMOTE SEAT BELT AND CHILD RESTRAINT USAGE

Section 315 establishes a grant program, to be funded through appropriations, to encourage the States to achieve an increased rate of seat belt usage and to promote the proper use of child restraint systems.

JUDICIAL REVIEW OF DENIAL OF DEFECT PETITIONS

Section 313 provides that NHTSA's denials of citizens' petitions to begin a defect investigation are reviewable by the courts. A recent decision by the Court of Appeals for the District of Columbia called into question the availability of such judicial review, and this provision is intended to clarify the matter.

TIME LIMIT ON PETITIONS TO REDUCE CAFE STANDARDS

Section 312 requires that any petitions to reduce the CAFE standards must be filed at least 24 hours in advance of the model year to which they apply. This is to avoid the creation of artificial crises by the filing of petitions too close to the beginning of the model year.

HANDICAPPED PARKING

Section 303 provides for a uniform national system of parking access for the handicapped. States which do not comply risk loss of 2 percent of their Federal highway safety grant funds.

STUDIES

Sections 309 and 311 require studies of the safety of darkened window glass and the effectiveness of State motor vehicle inspection programs, respectively.

PROCEDURAL MATTERS

Section 301 requires NHTSA to maintain procedures for tracking compliance with safety standards. Section 302 requires establishment of procedures for investigation and determination of civil penalties. Section 310 provides NHTSA with additional authority to enforce vehicle recalls, and to enforce recalls of leased vehicles.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 8, 1989.

Hon. ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 673, the National Highway Traffic Safety Administration Authorization Act of 1989, as ordered reported by the Senate Committee on Commerce, Science, and Transportation, April 18, 1989.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 673.

2. Bill title: National Highway Traffic Safety Administration Authorization Act of 1989.

3. Bill status: As ordered reported by the Senate Committee on Commerce, Science, and Transportation, April 18, 1989.

4. Bill purpose: S. 673 would authorize appropriations of $74.1 million in fiscal year 1990 and $77.5 million in fiscal year 1991 for various operations and research activities of the National Highway Traffic Safety Administration (NHTSA). The bill would also authorize appropriations of $10 million in fiscal year 1990 and $20 million in each of fiscal years 1991 and 1992 for a program of

grants to states that adopt and implement seatbelt and child restraint programs. In addition, this bill would allow the Secretary of Transportation to use up to $10 million for a community education program regarding drunk driving and airbag technology. These funds would be derived from existing unobligated balances of contract authority for highway safety programs under Section 408 of Title 23, U.S. Code.

A number of provisions in this bill would mandate regulatory actions and studies that would be funded by the authorized appropriations. S. 673 would direct the Secretary of Transportation to develop regulations and procedures relating rear seatbelts, and bumper capability labeling. The Secretary would be required to contract with the National Academy of Sciences for a study of possible means of comparing the crashworthiness of different automobile models, and, if this study shows it to be feasible, establish a system of crashworthiness ratings. The bill would also mandate a study by the National Academy of Sciences of the effectiveness of state motor vehicle safety inspection programs. In addition, S. 673 would require that, to the extent practicable, all passenger vehicles acquired by the Federal government as of fiscal year 1991 be equipped with airbags.

For fiscal year 1989, $98.7 million has been appropriated for NHTSA operations and research, including $30.8 million from the Highway Trust Fund and $67.9 million from the general fund. This appropriation also covers programs authorized by Section 403 of Title 23 of the U.S. Code, which are not included in this bill. The Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100-17) authorized appropriations of $33 million annually for the Section 403 program for fiscal year 1987 through 1991.

5. Estimated cost to the Federal Government: The budget impact of the specific authorizations in the bill is summarized in the following table:

[By fiscal year, in millions of dollars]

	199	1991	1992	1993	1994
Authorization level	84.1	97.5	20.0	.....	.....
Estimated outlays	52.2	79.4	42.3	18.8	7.0

In addition, Section 308 of the bill requires that, to the extent practicable, all passenger vehicles acquired by the federal government as of fiscal year 1991 be equipped with airbags. The government purchases an average of approximaely 19,000 cars per year. A recent pilot program run by General Services Administration (GSA) and NHTSA determined that airbags cost about $1,200 per vehicle. GSA believes that about half of this cost results from the lack of competition, as only one model of car that meets federal specifications is available with airbags. Costs are also relatively high because of the small number of cars that are produced with airbags. If all newly acquired vehicles were equipped with airbags, the initial cost would range from $15 million (if the cost drops to $800 per vehicle) to $25 million per year (at $1,200 per vehicle).

This cost would probably go down over time if airbags became more widely available.

The limited availability of vehicles equipped with airbags that meet other federal specifications would probably constrain the initial purchase of such cars. If, for the first few years, about a quarter of the vehicles purchased each year were equipped with airbags, the cost of this provision would be between $4 million and $6 million per year.

Basis of estimate: It is assumed that the full amounts authorized will be appropriated. The outlay estimate is based on the historical spending rates for the various activities. CBO has also assumed that spending for the community education program, which would use unobligated balances of contract authority, would fall within the appropriated obligation ceiling for NHTSA's Section 408 program and would not result in any change in total spending for that program.

Based on information provided by NHTSA, CBO expects that the studies required by this bill could cost about $1 million. They are assumed to be covered by the overall funding authorizations in the bill.

6. Estimated cost to State and local governments: This bill would direct the Secretary of Transportation to require States to adopt a uniform system for handicapped parking. States that fail to comply would lose two percent of their apportionment under Section 402 of Title 23, U.S. Code. Most States are already at least moving toward compliance with Federal standards. Based on information obtained from interest groups and from State officials, CBO does not expect any additional compliance costs to be significant.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Marjorie Miller and Marta Morgan.

10. Estimate approved by: James L. Blum, Assistant Director for Budget Analysis.

Regulatory Impact Statement

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported.

NUMBER OF PERSONS COVERED

Title I of S. 673 authorizes appropriations for existing NHTSA programs under the Safety Act and the Cost Savings Act. It also authorizes use of unexpended trust fund monies for community education programs directed to individuals who already are subject to State highway safety plans. Thus, the number of persons covered should be consistent with current levels.

Title II of S. 673 requires rulemaking on an upgraded safety standard for side impact protection, and requires consideration of a system of providing consumers with crashworthiness data. The vehicles subject to the requirements of title II currently are subject to a number of safety standards and certain consumer information requirements. It is not expected that the new requirements persons

utilizing vehicles. Therefore, the number of persons covered should be consistent with current levels.

Title III of S. 673 contains a variety of provisions, the majority of which require additional safety-related rulemakings or consumer information. Any additional safety standards or information requirements would be applicable to vehicles already subject to a number of standards, and would not be expected to result in use of vehicles by additional individuals. Similarly, the studies and procedural changes created by title III are not expected to increase the number of individuals affected by the bill, but merely will provide NHTSA with additional information and affect the methods by which it carries out its duties. Finally, the grant program established by title III for States which achieve certain levels of seat belt and child restraint use could increase the amount of funds available to the States for highway safety purposes. While it is hoped that this will increase the effectiveness of the States' highway safety efforts, it should have no effect on the number of persons covered by the NHTSA legislation.

Thus, no portion of S. 673 is expected to alter the number of persons covered from the current levels of coverage.

ECONOMIC IMPACT

Section 101 of S. 673 authorizes funding for various NHTSA activities under the Safety Act, the Cost Savings Act, and the National Driver Register Act of 1982 at a total of $74,099,000 for FY 1990 and $77,505,000 for FY 1991. The modest increase between 1990 and 1991 is designed to compensate for the increase in the cost of living, as projected by the Congressional Budget Office. In general, these amounts do not differ significantly from amounts appropriated for such activities in past years. In fact, because of the possible consumer savings from each of these programs, it is conceivable that these efforts could have a deflationary impact on the national economy.

The one exception is section 101(e) of S. 673, which provides funding of $5,315,000 for FY 1990 and $5,559,000 for FY 1991 for the National Driver Register by amending section 211(b) of the National Driver Register Act. This in an increase from current appropriations in excess of cost of living increases. The purpose of the increase is to fund an anticipated expansion of the National Driver Register from the current small pilot project to a service used nationwide with electronic communication available to all States. This nationwide use of the National Driver Register is a desirable result of the pilot project. It is not expected to have an inflationary impact on the Nation's economy.

Section 102 authorizes DOT to re-program $10 million from trust fund monies, which are within congressionally-enacted obligation limits for alcohol safety grants, but which are not expended because the States do not meet the qualification criteria for such grants. Since the funds will be used only to the extent that they are already approved for obligation by Congress, but are not necessary for the alcohol safety grants, this reprogramming authority should not have an inflationary impact on the Nation's economy.

Titles II and III include provisions requiring NHTSA to upgrade or establish certain safety standards. Costs incurred by manufacturers to comply with these changes may be passed on to the consumers. The Committee expects, however, that because of the high volume of vehicles involved, any increases in purchase prices will be minimal. Any such price increases will be offset by consumer savings for such items as repairs, insurance, and health care costs. The Government also will receive a net savings from safer automobiles.

Title III also contains a requirement that the Federal fleet be equipped with air bags. However, since this requirement only applies if economically practicable, it is not expected to significantly increase the Government's costs. Increased costs are likely to be offset by savings as a result of reduced injuries from accidents in these vehicles. This requirement is not expected to have any inflationary impact.

Finally, title III creates a grant program to encourage the use of seat belts and child restraints. This program will be funded only to the extent States meet its requirements and qualify for funding. It is a grant program similar in structure to several programs already in operation, although this program would serve an additional purpose. States that meet the requirements should experience reductions in deaths and injuries from accidents due to increased seat belt use. It is not expected to have an inflationary impact on the economy.

PRIVACY

S. 673 will have no adverse impact on the personal privacy of the individuals affected.

PAPERWORK

S. 673, as reported, does not impose additional reporting requirements on NHTSA or others, beyond the public information dissemination requirements already imposed on NHTSA pursuant to the Cost Savings Act. Thus, the legislation should not result in a significant paperwork increase to NHTSA, automobile manufacturers, or others.

SECTION-BY-SECTION ANALYSIS

SECTION 1.—SHORT TITLE

This section states the short title as the "National Highway Traffic Safety Administration Authorization Act of 1989."

SECTION 2.—DEFINITIONS

This section defines "Secretary" as the Secretary of Transportation, and permits the Secretary to define the terms "multipurpose passenger vehicle" and "passenger automobile" for purposes of this Act.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SECTION 101.—GENERAL AUTHORIZATIONS

This section provides a total authorization of $74,099,000 for FY 1990 and $77,505,000 for FY 1991. This is the amount requested by the Administration for FY 1990, increased by the inflation factor recommended by the Congressional Budget Office for FY 1991.

Subsection (a) amends section 121 of the Safety Act to provide $65,424,000 for FY 1990 and $68,433,000 for FY 1991. This Act provides authority for NHTSA's promulgation of safety standards and its defect investigation and recall efforts.

Subsection (b) amends section 111 of the Cost Savings Act to authorize $336,000 for FY 1990 and $351,000 for FY 1991. This authorization is for NHTSA's duties with respect to promulgation of bumper standards.

Subsection (c) amends section 209 of the Cost Savings Act to authorize $2,384,000 for FY 1990 and $2,493,000 for FY 1991. This funding is for NHTSA's responsibilities in providing information to consumers about vehicles, including crashworthiness and damage susceptibility.

Subsection (d) amends section 417 of the Cost Savings Act, to authorize $640,000 for FY 1990, and $669,000 for FY 1991, in connection with NHTSA's responsibilities to prevent odometer fraud.

Subsection (e) amends section 211(b) of the National Driver Register Act to authorize $5,315,000 for FY 1990 and $5,559,000 for FY 1991. This will provide the increased funding necessary to implement the National Driver Register project nationwide. In past years the electronic communications aspect of the Register has been available as a pilot project to only a few States.

SECTION 102.—COMMUNITY EDUCATION PROGRAM

This section permits the expenditure of certain unexpended trust fund monies, up to $10 million, for community education programs directed to drunk driving prevention and the effectiveness of airbag technology. At least one-half of any funds expended must be used for airbag education. These funds may be expended only to the extent that the trust fund obligation limit set by Congress for grants under section 408 of title 23 (alcohol safety grants), U.S. Code, exceeds the amount for which the States qualify under section 408. Since only 22 States have qualified for "408" grants in the past, trust fund monies made available by Congress have remained unexpended.

It is intended that not less than one-half of any funds used for these efforts be used for air bag education, to insure that the public is aware of the safety value of air bags in frontal crashes and the need to continue to use seat belts even in air bag equipped vehicles. With respect to the drunk driving education efforts, it is intended that support be given to broad-based grassroots community efforts to reduce drunk driving.

TITLE II—SIDE IMPACT PROTECTION AND CRASHWORTHINESS DATA

SECTION 201.—SIDE IMPACT PROTECTION

Subsection (a) requires the Secretary to issue a final rule, within 12 months of enactment of the bill, amending FMVSS 214, related to the ability of passenger automobiles to withstand side impact crashes. The rule must establish performance criteria for improved occupant protection in side impact crashes.

NHTSA has been working on this issue since at least 1979, when it promulgated a proposed rule, later rescinded, to upgrade the standard. In January 1988, NHTSA issued a Notice of Proposed Rulemaking to amend this standard, but no final rule has been issued.

Subsection (b) requires the Secretary to issue a Notice of Proposed Rulemaking within 60 days of enactment, and issue a final rule within 2 years of enactment, to extend FMVSS 214 to MPVs. The final rule must take into account the performance criteria established for passenger automobiles pursuant to subsection (a). In August 1988, NHTSA issued an Advance Notice of Proposed Rulemaking to address side impact protection for MPVs. No further action has been taken.

Almost 8,000 Americans die each year in side impact crashes and approximately 23,000 suffer serious, nonfatal injuries. Thirty-five percent of the life-threatening automobile injuries occur in side crashes. Interested parties, including domestic auto manufacturers and NHTSA, agreed in their testimony at the Committee's hearing in April 1989, that the current standard should be upgraded.

Research in the 1970's demonstrated that side impact crashworthiness of cars could be significantly improved with known technology. DOT's Research Safety Vehicle (RSV) program clearly showed that survivable side impact velocities could be increased from about 12 miles per hour to over 30 miles per hour for subcompact vehicles. For example, RSV work by Calspan, a highway safety research contractor, found that the addition of reinforcements, increased sheet metal gauge, and the substitution of high-strength low alloy steel for mild steel in a 2,600 pound car would provide occupant protection in 40 to 45 mile-per-hour side impacts. Both Minicars Corporation and Calspan found that filling side panels and doors with foam would reduce side impact intrusion to less than six inches in 30 mile-per-hour or greater side impacts.

SECTION 202.—AUTOMOBILE CRASHWORTHINESS DATA

Subsection (a) requires the Secretary, within 30 days of enactment, to enter into arrangements with the National Academy of Sciences to conduct a study about the feasibility of establishing a uniform numerical calculation to enable consumers to compare the crashworthiness of passenger vehicles. A report and recommendations are required to be submitted within 19 months after enactment. Following the report, the Secretary is required to accept public comment on the report and to determine, within 180 days after the close of the comment period, whether a rule establishing crashworthiness rating requirements should be issued. If so, the

Secretary shall promulgate a rule which will not become final until 60 days after submission to the relevant congressional committees or until receipt of a written communication that there is no objection from either committee. Subject to these prerequisites, if NHTSA determines that the establishment of such a system can be achieved, it will be required to promulgate a rule within 3 years of the date of enactment. If a crashworthiness rule is promulgated, NHTSA will be further required to establish procedures requiring automobile dealers to make available crashworthiness data for use by prospective automobile purchasers.

The Cost Savings Act currently requires DOT to compile crashworthiness information. However, the only such information available is obtained through random sampling in connection with NHTSA's New Car Assessment Program, and is not available at the vehicle's point of sale. NHTSA studies indicate that prospective new car purchasers favor the idea of a Government safety rating. The Committee hopes that a new system can be developed so that crashworthiness ratings could be placed on the window stickers of vehicles. Purchasers then would be able to compare crashworthiness ratings just as they currently compare fuel economy mileage ratings.

TITLE III—MISCELLANEOUS PROVISIONS

SECTION 301.—STANDARDS COMPLIANCE

This section requires the Secretary to establish a schedule for investigating compliance with each FMVSS in effect which is capable of being tested. This provision is a result of a December 1986 GAO report, "Motor Vehicle Safety: Enforcement of Federal Standards Can Be Enhanced," which found that enforcement of these standards could be enhanced by insuring that each standard is subject to testing on a regular, rotating basis.

SECTION 302.—INVESTIGATION AND PENALTY PROCEDURES

This section requires the Secretary to establish written guidelines for conducting expeditious and thorough investigations of noncompliance with any requirements issued under the Safety Act, which includes NHTSA safety standards and recall orders. The Secretary also is to develop written guidelines for determining when the results of such investigations shall be the subject of a civil penalty proceeding. This provision was based on recommendations in the 1986 GAO report referred to with respect to section 301.

SECTION 303.—TRAFFIC SAFETY FOR HANDICAPPED INDIVIDUALS

This section is intended to insure that all States implement a uniform system of parking access for the handicapped. Presently, various States have different requirements for handicapped parking, including the use of various access symbols for the vehicles of the handicapped. This section would require that the highway safety grant funds otherwise available to a State be reduced by 2 percent if that State fails to implement a uniform system of parking for the handicapped. The Secretary is to provide an evaluation

of compliance with this provision to Congress within 24 months of enactment.

Current law requires that the Secretary develop uniform handicapped parking guidelines, but does not provide any mechanism to encourage the States adoption of those guidelines. This provision would require withholding of certain Federal funds if the States did not comply with the uniform guidelines.

SECTION 304.—MULTIPURPOSE PASSENGER VEHICLE SAFETY

Under this section the Secretary must revise certain FMVSSs that are currently required for passenger cars to apply them to MPVs if the following existing statutory test is met: the standards must be practicable, meet the need for motor vehicle safety, and be stated in objective terms. However, with any particular standard or class of vehicles, if the Secretary determines that the test is not met, the rule should not be revised to include that particular standard or that particular class of vehicle. For example, applying the high center-mounted brake light standard to ambulances might not be practicable or meet the need for vehicle safety. Ambulances already have a number of other lights and warning devices which might reduce their likelihood of rear-end collision.

Subsection (a) contains findings to the effect that MPVs are increasingly used by many households for carrying passengers rather than cargo, and that the safety of those passengers is affected by the fact that certain FMVSSs do not apply to these vehicles.

Subsection (b) requires that the Secretary begin, within 60 days of enactment, and complete, within 12 months of enactment, rulemakings to revise (if appropriate) the following safety standards to apply to multipurpose vehicles: (1) minimum roof crush resistance standards; (2) use of single, high-mounted stoplamps; and (3) outboard front seat passive restraint systems.

NHTSA has applied a roof crush safety standard to passenger cars since 1971. Largely because of their higher center-of-gravity, many MPVs are more prone to roll over than are passenger cars, with most fatalities occurring in single vehicle crashes. Yet NHTSA has not expanded the coverage of the existing standard for passenger cars to ensure roof crush resistance in MPVs.

A second safety standard which does not currently apply to MPVs would require high center-mounted stoplamps. High center-mounted stoplamps provide improved brake warning, particularly for drivers who are one or more cars behind the stopping vehicle. In 1983, NHTSA amended its safety standards to require manufacturers to install these stoplamps in new passenger cars. Applying this standard to MPVs should reduce the 53,700 injuries NHTSA records annually due to rear-end collisions involving MPVs.

A third passenger car safety standard which this subsection would require NHTSA to address is the inclusion of passive restraints in MPVs. These protective devices include airbags and automatic seat belts. Since the occupants of certain categories of MPVs are twice as likely to be ejected from their vehicle during a crash as those in passenger cars, this is a particularly important safety standard to apply to MPVs.

Subsection (c) requires that the Secretary complete, within 12 months of enactment, the following rulemakings with respect to MPVs: (1) review of the classification system, for safety purposes, of vehicles that weigh under 10,000 pounds; (2) the requirement for head restraints; and (3) the establishment of a safety standard to prevent unreasonable risk of roll-over. NHTSA has indicated its intention to begin, or has begun, the rulemaking process on these issues, and this provision requires completion of the rulemaking within the stated time period.

GAO recommended in 1978 NHTSA review its system of classification of vehicles under 10,000 pounds. In the 1960's, NHTSA defined a number of vehicle classes, including a category referred to as light trucks (less than 10,000 pounds and designed for carrying cargo) and a category referred to as MPVs. Questions have been raised about the continued validity of these classifications given changing vehicle design and changing use patterns of MPVs by consumers. Questions also have been raised about the differences between Customs Service classifications for duty purposes and NHTSA's classification of vehicles for safety purposes.

The 1978 GAO recommendation found that delays in reassessing these classifications were unwarranted. Finally, in 1988, NHTSA issued a Notice of Proposed Rulemaking to consider reclassification. This provision would set a deadline for completion of this overdue review.

This section also requires that any reclassification of vehicles weighing under 10,000 pounds which is undertaken must consider the Customs Service classification of vehicles and, to the maximum extent practicable, include as a passenger automobile any vehicle classified by the Customs Service as a vehicle principally designed for the transport of persons. The Committee is aware that there currently is no coordination between NHTSA and Customs, and that vehicles receiving favorable duty treatment as passenger vehicles may not be required to meet passenger car safety standards. While it may not be practicable to conform NHTSA passenger automobile classification completely to the classification made by the Customs Service, it is the intent of this section to insure that NHTSA reviews the Customs classification in the course of its classification process. A vehicle classified by the Customs Service as a passenger vehicle should be required to meet passenger automobile safety standards if possible.

This subsection also addresses the fact that, although passenger cars have been required to include head restraints since 1968, NHTSA has not extended this standard to MPVs. These devices have prevented serious head and neck injuries for a number of years in passenger cars. This positive record suggests that similar action ought to be considered for MPVs; yet it has prompted no action. These devices could be particularly useful for small truck passengers whose heads are only inches from the rear window.

This subsection also requires rulemaking to prevent unreasonable risk of roll-over in MPVs. Many MPVs, particularly support utility vehicles, have high centers of gravity, which can cause them to roll over more easily than other types of vehicles. For example, NHTSA reports that 64 percent of all single-vehicle Suzuki Samurai accidents involve roll-over. The roll-over rate for full-sized

sedans is only 8 percent. The problems with the Samurai were highlighted in tests conducted by the Consumers Union, publishers of Consumer Reports, which rated the vehicle "unacceptable" due to its propensity for rolling over. Questions also have been raised over the years about the risk of roll-over in other models of sport utility vehicles.

Although NHTSA denied a petition for a defect investigation of the Samurai in September 1988, it granted a petition for rulemaking to establish a minimum standard to protect against unreasonable risk of roll-over. In addition, in February 1989, NHTSA granted a petition for a defect investigation to examine the alleged roll-over susceptibility of the Ford Bronco II utility vehicle, based on a high rate of single vehicle accidents with roll-over involvement. This subsection would move these efforts toward a final rulemaking.

SECTION 305.—REAR SEAT BELTS

Subsection (a) requires that the Secretary complete, within 12 months of enactment, a rulemaking to require lap and shoulder belts in the outboard rear passenger seats of vehicles on the following schedule: all passenger automobiles except convertibles manufactured after September 1, 1989; and all MPVs and convertibles manufactured after September 1, 1991. The Secretary has issued a Notice of Proposed Rulemaking to this effect, and this provision would require issuance of the final rule within one year of enactment.

Subsection (b) requires that at least 10 percent of funds appropriated for NHTSA's consumer information function shall be utilized to provide consumers with information about retrofitting their vehicles with rear seat lap-and-shoulder belts.

There is ample basis on which to conclude that rear seat lap-shoulder belts should be required. On August 8, 1986, the NTSB, an independent Federal accident investigation agency, issued a report which stated that in some instances persons using rear lap belts may be inadequately protected against injury and may sustain severe abdominal injuries from the belt itself. NTSB Report, at 25, 33–38 (August 8, 1986). A November 1987, GAO report, however, took issue with the NTSB's conclusions on the usefulness of rear seat lap-only belts, and thus there is some controversy about the effectiveness of these belts. However, both GAO and the NTSB recognized that three-point belts are safer than lap belts.

NHTSA FMVSS 210 requires that all car rear seats have locations for anchors or brackets to anchor lap-shoulder belts at the outboard seating positions. All rear automobile seats have been equipped with locations for anchors since 1968, and several manufacturers provide retrofit kits to install lap-shoulder belts in current or earlier models.

Several foreign manufacturers have been manufacturing cars with three-point belts for a number of years. In addition, a 1988 survey by DOT showed that 24 of 29 manufacturers had rear-seat shoulder belts in some or all of their models in the 1988 model year, and that they planned to install them in almost all of their models within a year.

SECTION 306.—CERTIFICATION OF BUMPERS

This section requires the Secretary to promulgate a rule regarding disclosure by the manufactures of the bumper impact capability of passenger motor vehicles. The rule must require that any vehicles manufactured for model years beginning more than 180 days after promulgation be labeled with information about the speed at which the bumper meets the applicable Federal damage criteria. The section also requires that such information be provided to the Secretary and disseminated by the Secretary to consumers in a form to facilitate comparison among various vehicle types.

SECTION 307.—CHILD BOOSTER SEATS

This section requires a rulemaking proceeding, beginning within 30 days of enactment and completed within 12 months after enactment, to increase the safety of child booster seats. Booster seats, used by toddlers and older children, typically consist only of seating platforms and do not provide a cushion for the child's back or head. Booster seats are designed to elevate children so that they are in the proper position to use lap and shoulder belts. Many of these seats were originally designed with an upper body harness and tether strap to protect children in seating positions without shoulder belts. Many parents used these seats without installing the tether, reducing the effectiveness of the device. As a result, all but one booster seat manufacturer discontinued production of boosters using the tether.

When the upper body restraint was discontinued, manufacturers supplemented the seat with an abdominal shield that is supposed to hold a child in the seat during a crash. A study conducted for NHTSA, "Evaluation of the Performance of Child Restraint Systems", shows that many of these shields generate pressure on the abdomen during a crash. Additionally, the study indicated that some of the systems may not adequately restrain the child during a crash. This section is a response to such concerns.

SECTION 308.—AIRBAG REQUIREMENT FOR FEDERAL PASSENGER VEHICLES

This section requires that the Secretary, in cooperation with the General Services Administration and the heads of other Federal agencies, establish a program to provide for airbags in passenger automobiles purchased for the Federal fleet, to the extent that such purchase is economically feasible. If only one source of airbag-equipped vehicles is available, so that competitive bidding is precluded, purchase of airbag-equipped vehicles may not be economically feasible. However, the Committee believes that manufacturers' current planning will provide a sufficient number of airbag-equipped models to permit competitive bidding to take place. Driver-side airbags would be required for automobiles purchased after September 30, 1990, and outboard front-seat airbags would be required for purchases after September 30, 1993.

Testimony before the Committee in April 1988 demonstrated that there is a consensus in the highway safety community regarding the value of airbags. Airbags are the most effective technology for preventing injuries and fatalities in frontal crashes and, when used

in combination with a seat belt, an air bag can prevent serious injury in all but the most severe accidents.

Under DOT's passive restraint rule, 10 percent of model year 1987 cars, 25 percent of model year 1988 cars, 40 percent of model year 1989 cars, and 100 percent of all cars manufactured in model year 1990 and beyond must be equipped with passive restraints. To comply with the passive restraint rule, manufacturers have the choice of equipping their cars with either airbags, automatic seat belts, or specially padded interiors.

The Federal Government has had great success with the 6,500 driver-side airbag equipped Ford Tempos it purchased between 1985 and 1987. One hundred and twenty-six of these vehicles have been involved in crashes severe enough to deploy the airbag. None of these deployment crashes has seriously injured the car's driver. The airbags also have saved the Government payments for medical treatment, hospitalization, and survivors' and disability benefits.

SECTION 309.—STATE MOTOR VEHICLE SAFETY INSPECTION PROGRAMS

This section, which amends the Cost Savings Act, requires that the Secretary enter into arrangements, within 30 days of enactment, with the National Academy of Sciences for a study of the effectiveness of State motor vehicle inspection programs in reducing accidents and limiting the number of unsafe and defective vehicles on the highway. The study is to be completed within 19 months of enactment.

SECTION 310.—RECALL OF CERTAIN MOTOR VEHICLES

This section provides the Secretary with authority to require manufacturers to send a second notification to owners of defective vehicles to enhance safety defect and non-compliance recall response rates. DOT's review of techniques such as post-card reminders to increase recall response rates shows that a follow-up notice can achieve response rates significantly higher than those achieved by the initial notification. The nature of the follow-up notification would be determined by the Secretary through rulemaking.

This section further requires that any owner of leased vehicles who receives a recall notice send a copy of such notice to the lessee of the vehicle. Finally, the section requires that any dealer who receives a recall notice with respect to any vehicle or item of equipment may not sell or lease that product unless the defect is remedied or the recall order has been restrained or set aside. This provision is intended to close a loophole that exists in the Safety Act. Currently, it is possible under the Safety Act for a dealer to sell or lease a new vehicle or item of vehicle equipment to an unsuspecting buyer or lessee after the dealer is notified by the manufacturer of a safety defect.

NHTSA has received reports from consumers who have bought new cars and afterwards have discovered that the cars had been the subject of recall notices issued before they purchased them. Similarly, there have been reports of lessees who have brought leased vehicles in for repairs, only to discover that the vehicles should have been recalled. In such cases, the owners or lessees of

the vehicles may be unknowingly driving vehicles which pose potential hazards to them.

SECTION 311.—STUDY OF DARKENED WINDOWS

This section requires a study by the Administrator of NHTSA about the use of darkened windshields and window glass in passenger automobiles. The study is to include consideration of the effect of such glass on the safe operation of the vehicles and the safety of law enforcement personnel. The study shall be submitted to the relevant Congressional Committees within 6 months of enactment.

SECTION 312.—PETITIONS REGARDING CORPORATE AVERAGE FUEL ECONOMY STANDARDS

This section requires that any petition to the Secretary for reduction of CAFE standards for any model year after model year 1991 must be filed at least 24 months in advance of the beginning of the model year to which it applies. Such a time limit was applicable to reductions for model years 1978–80, but does not exist for subsequent model years. The petitions filed for the model years covered by this section are in the nature of petitions for rulemaking under title 5 of the U.S. Code (the Administrative Procedure Act). This section is not intended to create a new form of petition for future model years, but only to establish a time limit for those petitions for rulemaking which are currently available. This section is intended to provide a time limit for any petitions for reduction of CAFE standard for any model year after 1991, so that there can be no such petitions filed for those model years after the time limit has passed.

The auto companies in the past, have filed petitions for reduction of fuel economy standards for a particular model year just a few months in advance of the beginning of that model year, and, in one instance, filed for a reduction after the model year had begun. This is notwithstanding the fact that, at that point, manufacturers say they can do little to change their product plans. Ford, for example, provided information to the Committee to the effect that no program changes are permitted at 28 to 30 months prior to introduction of new model year vehicles. Thus, filing petitions for reduction too close to the beginning of a model year can have the effect of creating an artificial economic "crisis" based on the fact that manufacturers cannot change their product plans at that point.

Manufacturers have questioned whether such a time deadline is workable. However, certain manufacturers have suggested that they are bound by informal NHTSA requirements to file petitions at least 6 months in advance. They also have noted that in the past they have filed petitions as much as 21 months in advance of the model year. Thus, the Committee believes that some standard lead time is appropriate to insure that manufacturers make every effort to meet established standards, that artificial crises are avoided, and that NHTSA has sufficient time to carefully consider petitions and decide them in advance of the beginning of the model year. A lead time of 24 months was established by Congress for the early years of the CAFE program, and experience with that process has not indicated that the time period was unworkable.

SECTION 313.—JUDICIAL REVIEW OF ACTIONS ON CERTAIN PETITIONS

This section explicitly provides for judicial review of denials by NHTSA of citizen petitions to begin a recall investigation. The current law, under section 124 of the Safety Act, permits the filing of such petitions by an interested party, and does not preclude judicial review. A recent court ruling, *Center for Auto Safety* v. *Dole,* 846 F.2d 1532 (D.C. Cir. 1988), has called into question the availability of judicial review, and this section clarifies the matter.

It is not expected that this provision will impose a significant additional burden on either the agency or the courts. NHTSA typically has received between 15 and 299 petitions per year. It has denied on average at least half of them a year, and often a larger percentage. Since the law providing for petitions was enacted in 1974, only one of those denials has been challenged in court.

Moreover, the Committee expects that the judicial review provided by this section will be the limited review provided by section 706 of title 5, U.S. Code. It is not intended that the court substitute its judgment for that of the Secretary in deciding these petitions, but rather that the court remand the matter to the Secretary for futher action only if the decision is arbitrary and capricious or an abuse of discretion. Additionally, the Committee expects the courts to give appropriate deference to the need of NHTSA to establish its investigative priorities in light of its expert judgment and available resources. Moreover, the Committee intends that the review authorized by this amendment will be confined to an examination of the agency's statement of reasons for its action. See *Dunlop* v. *Backowski,* 421 U.S. 560, 572-73 (1975).

While the agency has raised concerns about this provision permitting interference with its "prosecutorial discretion," the Committee does not believe that the proposed limited review of the denial of these petitions constitutes an interference with the exercise of such discretion. These petitions merely ask that a defect investigation be undertaken. If the agency's investigation does not justify further enforcement action, this petition process has no effect on that decision. Moreover, Congress has already given the citizen access to the process of deciding whether to open an investigation. Judicial review is typically available in such circumstances, and is clearly available for denials of petitions for rulemaking. See, e.g., *American Horse Protection Assoc., Inc.* v. *Lyng,* 812 F.2d 1 (D.C. Cir. 1987).

SECTION 314.—BUMPER STANDARD

Subsection (a) requires the Secretary to amend, within one year of enactment, the current standard for bumper impact capability, in order to return to the standard in effect on January 1, 1982. The current standard requires bumpers to withstand established levels of damage at impact speeds up to 2.5 miles per hour without damage to the safety features or the exterior sheet metal of the vehicle. The standard to be implemented requires the vehicle to withstand certain levels of damage, at impact speeds up to 5 miles per hour, to the safety features of the vehicle, the vehicle exterior, and the bumper itself.

Subsection (b) provides that, notwithstanding subsection (a), the Secretary may impose requirements for withstanding damage at impact speeds higher than 5 miles per hour.

The bumper standard was rolled back to 2.5 miles per hour on the theory that it would provide savings to consumers from reduced purchase price and fuel savings due to decreased vehicle weight. It was believed that such savings would offset increased repair costs and inconvenience created by the weaker bumpers.

However, since 1982 there has been virtually no evidence of savings in vehicle purchase price or weight reduction that would yield savings in fuel economy. Additionally, the IIHS and others have suggested that the damage reduction capability of the 5 mile-per-hour bumper was understated in the original decision to reduce the standard, and the value of the consumer's time in obtaining repairs as well as available insurance savings were understated.

Rather, recent evidence demonstrates that this 2.5 mile-per-hour bumper has been costly to consumers. A recent IIHS study tested the bumper strength of 34 different cars in a 5 mile-per-hour crash test. Twenty-eight of those vehicles incurred damages of over $1,000, including, for many models, damages to the safety features of the vehicles. In the worst case the Isuzu Impulse sustained damages totaling just under $3,500. The 1989 Ford Escort sustained damage in the amount of $1,481 in pole and angle crashes while, before the bumper standard was lowered, the 1981 Ford Escort sustained no damages from the same test. In addition, representatives of the insurance industry have informed the Committee that reinstatement of the 5 mile-per-hour bumper standard should result in savings to consumers in insurance premiums.

Thus, the Committee believes that experience with the 2.5 mile-per-hour standard has demonstrated that the original estimates weighing its costs and benefits were not accurate. Moreover, domestic auto manufacturers have testified that many of their vehicles currently meet the 5 mile-per-hour standard for at least some features of the vehicle. On balance, reinstatement of the 5 mile-per-hour standard should save the consumer money and promote highway safety.

SECTION 315.—GRANT PROGRAM CONCERNING USE OF SEAT BELTS AND CHILD RESTRAINT SYSTEMS

Two recent studies of seat belts have demonstrated their importance to highway safety. A University of Illinois-Chicago study of 1,304 traffic crash victims found that, when victims wore seat belts, their hospital admissions decreased 65 percent. Similarly, a study of North Carolina's mandatory seat belt law found that it will annually prevent 1,100 severe and fatal injuries in that State.

Currently, 31 States have mandatory seat belt laws, but belt use ranges between 27 percent and 68 percent in these States. States without mandatory belts laws have use rates as low as 15 percent.

Experience demonstrates that there are several key factors to increasing belt use. First, a State must have a belt use law that can be effectively enforced. Laws that provide a minimal fine or only permit citations of drivers guilty of additional traffic violations are less effective. Second, there must be vigorous enforcement and ex-

tensive public education about the belt use law. For example, according to a 1986 NHTSA survey, Dallas and Houston both achieved over 70 percent belt use. This success was attributed to extensive publicity, effective organizing by community groups, and a strong enforcement program.

Child safety seats are another area needing improvement. All 50 States have laws requiring the use of child car seats, and between 1981 and 1988 their use rose from 23 to 83 percent. Unfortunately, about 30 percent of safety seats are grossly or partially misused. This greatly undermines their value in reducing death and injury.

This section establishes a great program to encourage the State to increase the rate of seat belt usage among their citizens, and to educate their citizens about the proper use of child restraint systems. Grants would be available for a maximum of three fiscal years, to fund a declining percentage of the cost of States of their programs to achieve the required goals. Grants would be available to States that (1) have in effect mandatory seat belt use laws applicable to front seat passengers; (2) achieve either 70 percent seat belt usage by those passengers or a 20 percentage point improvement over 1989 usage rates (first year); 80 percent usage or a 35 percentage point improvement over 1989 rates (second year); and 90 percent usage or a 45 percentage point improvement (third year); and (3) have in effect a program determined by the Secretary to encourage the correct use of child restraint systems. Grants would be authorized beginning in FY 1990, and funded, if appropriated, in amounts up to a maximum of $10 million in FY 1990 and $20 million in each year for FY 1991 and 1992.

SECTION 316.—METHODS OF REDUCING HEAD INJURY

Each year a large number of Americans suffer head injuries in automobile crashes. Many of these victims are permanently disabled. An air bag can eliminate head injuries resulting from frontal crashes. Even if all cars were equipped with air bags, however, head injuries will still occur from roll-over and side impact crashes. NHTSA's own research, provided to the Committee during the hearing process, indicates that many of these head injuries could be prevented if additional padding were placed in the interior portions of the vehicle likely to come in contact with a crash victim's head.

NHTSA has begun the rulemaking process on some aspects of this issue by promulgating an advance notice of proposed rulemaking to prevent head injury in side impact crashes. This section requires that NHTSA complete a rulemaking, within 2 years of enactment, to consider methods of reducing head injuries caused by contact with the interior components of passenger automobiles and MPVs.

The rulemaking required by this section would not have to result in the issuance of a new or different performance standard to prevent head injuries. It is presumed, however, that NHTSA would establish such standards if its investigation showed they were practicable, would meet the need for motor vehicle safety, and could be stated in objective terms.

SECTION 317.—PEDESTRIAN SAFETY

According to NHTSA, almost 7,000 pedestrians are killed annually in the United States in highway crashes. Since 1981, NHTSA has done considerable research on reducing pedestrian injuries. It has identified sources of pedestrian injuries (e.g., sharp vehicle parts placed just under the hood) and design changes that would minimize these injuries. NHTSA has not conducted any rulemaking on the basis of this research, however.

This section requires that NHTSA complete a rulemaking, within 2 years of enactment, to minimize pedestrian injury attributable to vehicle design elements such as hoods, hood ornaments, fenders, and grills. The rulemaking required by this section would not have to result in the issuance of a new or different performance standard to prevent pedestrian injury. It is presumed, however, that NHTSA would establish such standards if its investigation showed they were practicable, would meet the need for motor vehicle safety, and could be stated in objective terms.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT OF 1966

Section 103 of that Act

SEC. 103. (a) * * *

(b) through (i) * * *

(j)(1) The Secretary shall establish a schedule for use in ensuring compliance with each Federal motor vehicle safety standard established under this Act which the Secretary determines is capable of being tested. Such schedule shall ensure that each such standard is the subject of testing and evaluation on a regular, rotating basis.

(2) The Secretary shall, not later than six months after the date of enactment of this subsection, conduct a review of the method for the collection of data regarding accidents related to Federal motor vehicle safety standards established under this Act. The Secretary shall consider the desirability of collecting data in addition to that information collected as of the date of enactment of this subsection, and shall estimate the costs involved in the collection of such additional data, as well as the benefits to safety likely to be derived from such collection. If the Secretary determines that such benefits outweigh the cost of such collection, the Secretary shall collect such additional data and utilize it in determining which motor vehicles should be the subject of testing for compliance with Federal motor vehicle safety standards established under this Act.

Section 109 of that Act

SEC. 109. (a) Whoever violates any provision of section 108, or any regulation issued thereunder, shall be subject to a civil penalty

of not to exceed $1,000 for each such violation. Such violation of a provision of section 108, or regulations issued thereunder, shall constitute a separate violation with respect to each motor vehicle or item of motor vehicle equipment or with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty shall not exceed $800,000 for any related series of violations. *The Secretary shall establish procedures for determining the manner in which, and the time within which, a determination should be made regarding whether a civil penalty should be imposed under this section. Nothing in this subsection shall be construed to limit the ability of the Secretary to exceed any time limitation specified for making any such determination where the Secretary determines that additional time is necessary for making a determination regarding whether a civil penalty should be imposed under this section.*

(b) * * *

Section 112 of that Act

SEC. 112. (a)(1) The Secretary is authorized to conduct any inspection or investigation—

(A) which may be necessary to enforce this title or any rules, regulations, or orders issued thereunder, or

(B) which relates to the facts, circumstances, conditions, and causes of any motor vehicle accident and which is for the purpose of carrying out his functions under this Act.

The Secretary shall furnish the Attorney General and, when appropriate, the Secretary of the Treasury any information obtained indicating noncompliance with this title or any rules, regulations, or orders issued thereunder, for appropriate action. In making investigations under subparagraph (B), the Secretary shall cooperate with appropriate State and local officials to the greatest extent possible consistent with the purposes of this subsection. *The Secretary shall establish written guidelines and procedures for conducting any inspection or investigation regarding noncompliance with this title or any rules, regulations, or orders issued under this title. Such guidelines and procedures shall indicate timetables for processing of such inspections and investigations to ensure that such processing occurs in an expeditious and thorough manner. In addition, the Secretary shall develop criteria and procedures for use in determining when the results of such an investigation should be considered by the Secretary to be the subject of a civil penalty under section 109 of this title. Nothing in this paragraph shall be construed to limit the ability of the Secretary to exceed any time limitation specified in such timetables where the Secretary determines that additional time is necessary for the processing of any such inspection or investigation.*

(2) through (3) * * *

(b) through (e) * * *

Section 121 of that Act

SEC. 121. There are authorized to be appropriated for the purpose of carrying out this Act, $51,400,000 for fiscal year 1983, $55,000,000 for fiscal year 1984, [and] $58,700,000 for fiscal year

1985[.], *$65,424,000 for fiscal year 1990, and $68,433,000 for fiscal year 1991.*

Section 124 of that Act

SEC. 124. (a) * * *
(b) through (c) * * *
(d) Within 120 days after filing of a petition described in subsection (b), the Secretary shall either grant or deny the petition. If the Secretary grants such petition, he shall promptly commence the proceeding requested in the petition. If the Secretary denies such petition he shall publish in the Federal Register his reasons for such denial. *The denial of such petition is final agency action subject to judicial review as provided in section 706 of title 5, United States Code.*
(e) * * *

Section 153 of that Act

CONTENTS, TIME, AND FORM OF NOTICE

SEC. 153. (a) * * *
(b) through (c) * * *
(d) If the Secretary determines that a notification sent by a manufacturer pursuant to subsection (c) of this section has not resulted in an adequate number of vehicles or items of equipment being returned for remedy, the Secretary may direct the manufacturer to send a second notification in such manner as the Secretary may by regulation prescribe.
(e)(1) Any lessor who receives a notification required by section 151 or 152 pertaining to any leased motor vehicle shall send a copy of such notice to the lessee in such manner as the Secretary may by regulation prescribe.
(2) For purposes of this subsection, the term "leased motor vehicle" means any motor vehicle which is leased to a person for a term of at least four months by a lessor who has leased five or more vehicles in the twelve months preceding the date of the notification.

Section 154 of that Act

REMEDY OF DEFECT OR FAILURE TO COMPLY

SEC. 154. (a)(1) * * *
(2) through (5) * * *
(b) through (c) * * *
(d) If notification is required under section 151 or by an order under section 152(b) and has been furnished by the manufacturer to a dealer of motor vehicles with respect to any new motor vehicle or new item of replacement equipment in the dealer's possession at the time of notification which fails to comply with an applicable Federal motor vehicle safety standard or contains a defect which relates to motor vehicle safety, such dealer may sell or lease such motor vehicle or item of replacement equipment only if—

(1) the defect or failure to comply has been remedied in accordance with this section before delivery under such sale or lease; or

(2) in the case of notification required by an order under section 152(b), enforcement of the order has been restrained in an action to which section 155(a) applies or such order has been set aside in such an action.

Nothing in this subsection shall be construed to prohibit any dealer from offering for sale or lease such vehicle or item of equipment.

MOTOR VEHICLE INFORMATION AND COST SAVINGS ACT

Title I of that Act

TITLE I—BUMPER STANDARDS

SEC. 101 through SEC. 102 * * *

DISCLOSURE OF BUMPER IMPACT CAPABILITY

SEC. 102A. (a) The Secretary shall promulgate, in accordance with the provisions of this section, a regulation establishing passenger motor vehicle bumper system labeling requirements. Such regulation shall apply to passenger motor vehicles manufactured for model years beginning more than one hundred and eighty days after the date such regulation is promulgated, as provided in subsection (c)(2) of this section.

(b)(1) The regulation required to be promulgated in subsection (a) of this section shall provide that, before any passenger motor vehicle is offered for sale, the manufacturer shall affix a label to such vehicle, in a format prescribed in such regulation, disclosing an impact speed at which the manufacturer represents that the vehicle meets the applicable damage criteria.

(2) For purposes of this subsection, the term "applicable damage criteria" means the damage criteria applicable under section 581.5(c) of title 49, Code of Federal Regulations (as in effect on the date of enactment of this section).

(c)(1) Not later than ninety days after the date of enactment of this section, the Secretary shall publish in the Federal Register a proposed initial regulation under this section.

(2) Not later than one hundred and eighty days after such date of enactment, the Secretary shall promulgate a final initial regulation under this section.

(d) The Secretary may allow a manufacturer to comply with the labeling requirements of subsection (b) of this section by permitting such manufacturer to make the bumper system impact speed disclosure required in subsection (b) of this section on the label required by section 506 of this Act or section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232).

(e) The regulation promulgated under subsection (a) of this section shall provide that the information disclosed under this section be provided to the Secretary at the beginning of the model year for the model involved. As soon as practicable after receiving such information, the Secretary shall furnish and distribute to the public such information in a simple and readily understandable form in order to facilitate comparison among the various types of passenger motor vehicles. The Secretary may by rule require automobile dealers to

distribute to prospective purchasers any information compiled pursuant to this subsection.

(f) For purposes of this section, the term "passenger motor vehicle" means any motor vehicle to which the standard under part 581 of title 49, Code of Federal Regulations, is applicable.

SEC. 103 through SEC. 110 * * *

AUTHORIZATION

SEC. 111. There are authorized to be appropriated to carry out this title $320,000 for fiscal year 1983, $343,000 for fiscal year 1984, [and] $365,000 for fiscal year 1985[.], *$336,000 for fiscal year 1990, and $351,000 for fiscal year 1991.*

SEC. 112 * * *

Title II of that Act

TITLE II—AUTOMOBILE CONSUMER INFORMATION STUDY

SEC. 201 through SEC. 208 * * *

APPROPRIATIONS AUTHORIZED

SEC. 209. There are authorized to be appropriated to carry out this title $1,677,000 for fiscal year 1983, $1,800,000 for fiscal year 1984, [and] $1,950,000 for fiscal year 1985[.], *$2,384,000 for fiscal year 1990, and $2,493,000 for fiscal year 1991.*

Title III of that Act

TITLE III—DIAGNOSTIC INSPECTION DEMONSTRATION PROJECTS

PART A—STATE PROGRAMS

SEC. 301 through SEC. 303 * * *

STATE MOTOR VEHICLE SAFETY INSPECTION PROGRAMS

SEC. 304. (a) The Secretary shall, within thirty days after the date of enactment of this section, enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the effectiveness of State motor vehicle safety inspection programs in—

(1) reducing motor vehicle accidents that result in injuries and deaths; and

(2) limiting the number of defective or unsafe motor vehicles on the highways.

(b)(1) The study shall include an evaluation of the implementation, inspection criteria, personnel, budgeting, and enforcement of all types of State motor vehicle inspection programs or periodic motor vehicle inspection programs, including inspections of motor vehicle brakes, glass, steering, suspension, and tires.

(2) If warranted by the study, the National Academy of Sciences shall develop and submit to the Congress recommendations for an effective and efficient State motor vehicle safety inspection program.

(c) The study shall also consider the feasibility of use by States of private organizations to conduct motor vehicle safety inspection programs and of combining safety and emission inspection programs.

(d) Appropriate public and private agencies and organizations, including the Secretary, the Administrator of the Environmental Protection Agency, affected industries and consumer organizations, State and local officials, and the motor vehicle insurance industry should be consulted in conducting the study required under this section.

(e) The study required by subsection (a) shall be completed and transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives within nineteen months after the date of enactment of this section.

PART B through PART C * * *

Title IV of that Act

TITLE IV—ODOMETER REQUIREMENTS

SEC. 401 through SEC. 416 * * *

AUTHORIZATION OF APPROPRIATIONS

SEC. 417. There are authorized to be appropriated to carry out this title $183,000 for fiscal year 1983, $196,000 for fiscal year 1984, [and] $210,000 for fiscal year 1985[.], *$640,000 for fiscal year 1990, and $669,000 for fiscal year 1991.*

SEC. 418. * * *

Title V of that Act

TITLE V—IMPROVING AUTOMOTIVE EFFICIENCY

SEC. 501 * * *

AVERAGE FUEL ECONOMY STANDARDS APPLICABLE TO EACH MANUFACTURER

SEC. 502. (a) * * *

(b) through (c) * * *

(d)(1) Any manufacturer may apply to the Secretary for modification of an average fuel economy standard applicable under subsection (a) to such manufacturer for model year 1978, 1979, or [1980. Such application] *1980, or for any model year after model year 1991. Any application seeking such modification* shall contain such information as the Secretary may require by rule, and shall be submitted to the Secretary within 24 months before the beginning of the model year for which such modification is requested.

(2) through (4) * * *

(e) through (l) * * *

SEC. 503 through SEC. 513 * * *

TITLE 23, UNITED STATES CODE

Chapter 4 of that Title

Sec.
401. Authority of the Secretary.

* * * * * * *

410. Drunk driving prevention program.
411. Seatbelt and child restraint programs.

New Section 411 of that Chapter

§411. Seatbelt and child restraint programs

(a) Subject to the provisions of this section, the Secretary shall make grants to those States which adopt and implement seatbelt and child restraint programs which include measures described in this section to foster the increased use of seatbelts and the correct use of child restraint systems. Such grants may only be used by recipient States to implement and enforce such measures.

(b) No grant may be made to a State under this section in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate expenditures from all other sources for seatbelt and child restraint programs at or above the average level of such expenditures in its two fiscal years preceding the date of enactment of this section.

(c) No State may receive grants under this section in more than three fiscal years. The Federal share payable for any grant under this section shall not exceed—

(1) in the first fiscal year a State receives a grant under this section, 75 percent of the cost of implementing and enforcing in such fiscal year the seatbelt and child restriant program adopted by the State pursuant to subsection (a) of this section;

(2) in the second fiscal year the State receives a grant under this section, 50 percent of the cost of implementing and enforcing in such fiscal year such program; and

(3) in the third fiscal year the State receives a grant under this section, 25 percent of the cost of implementing and enforcing in such fiscal year such program.

(d) Subject to subsection (c), the amount of a grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (e) of this section shall equal 20 percent of the amount apportioned to such State for fiscal year 1990 under section 402.

(e) A State is eligible for a grant under this section if such State—

(1) has in force and effect a law requiring all front seat occupants of a passenger automobile to use seatbelts;

(2) has achieved—

(A) in the year immediately preceding a first-year grant, the lesser of either (i) 70 percent seatbelt use by all front seat occupants of passenger automobiles in the State or (ii) a rate of seatbelt use by all such occupants that is 20 percentage points higher than the rate achieved in 1989;

(B) in the year immediately preceding a second-year grant, the lesser of either (i) 80 percent seatbelt use by all such occupants or (ii) the rate of seatbelt use by all such occupants that is 35 percentage points higher than the rate achieved in 1989; and

(C) in the year immediately preceding a third-year grant, the lesser of either (i) 90 percent seatbelt use by all such occupants or (ii) the rate of seatbelt use by all such occupants

that is 45 percentage points higher than the rate achieved in 1989; and

(3) has in force and effect an effective program, as determined by the Secretary, for encouraging the correct use of child restraint systems.

(f) As used in this section, the term "child restraint system" has the meaning given such term in section 571.213 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this section.

(g) There are authorized to be appropriated, from any funds in the Treasury not otherwise appropriated, to carry out this section, $10,000,000 for the fiscal year 1990, and $20,000,000 for each of the fiscal years 1991 and 1992.

NATIONAL DRIVER REGISTER ACT OF 1982

Section 211 of that Act

AUTHORIZATION OF APPROPRIATIONS

SEC. 211. (a) * * *

(b) There are authorized to be appropriated to carry out the provisions of this title and the provisions of Public Law 86-660 (74 Stat. 526) not to exceed $1,000,000 for fiscal year 1983, not to exceed $1,300,000 for fiscal year 1984, not to exceed $1,600,000 for fiscal year 1985, not to exceed $1,600,000 for fiscal year 1986, [and] not to exceed $1,600,000 for fiscal year 1987[.], *not to exceed $5,315,000 for fiscal year 1990, and not to exceed $5,559,000 for fiscal year 1991.*

(c) * * *

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